

Title 19 Chapter 6
ENVIRONMENTAL QUALITY CODE - HAZARDOUS
SUBSTANCES

PART 6
LEAD ACID BATTERY ACT

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19-6-601. Definition.

As used in this part, "board" means the Solid and Hazardous Waste Control Board appointed under Title 19, Chapter 6.

19-6-602. Lead acid batteries - Disposal limitations.

(1) A person may not place, discard, or otherwise dispose of a lead acid battery in any solid waste treatment, storage, or disposal facility operated by a municipality, county, other political subdivision, or other entity. All lead acid batteries shall be disposed of by delivery to:

- (a) a lead acid battery retailer as provided in Section 19-6-603;
- (b) a lead acid battery wholesaler;
- (c) a collection or recycling facility; or
- (d) a secondary lead smelter that meets state and federal permit requirements.

- (2) (a) Lead acid batteries shall be removed from vehicles prior to crushing or shredding.
- (b) The removed lead acid batteries shall be disposed of in accordance with this part.

19-6-603. Collection for recycling.

(1) A person selling lead acid batteries at retail shall at the point of sale accept a customer's used lead acid battery and a maximum of one additional used lead acid battery when the customer purchases a new lead acid battery.

(2) A person selling lead acid batteries at wholesale shall at the point of sale accept a customer's used lead acid batteries.

(3) (a) A person selling lead acid batteries at retail shall post on the premises a clearly legible notice that is at least 8 1/2 inches by 11 inches in size and visible to customers that states: "It is illegal under state law to discard a motor vehicle battery or other lead acid battery. You must recycle your used battery. State law requires us to accept up to two of your used lead acid batteries for recycling when you purchase a new lead acid battery.

"You may take lead acid batteries for recycling to (the retailer shall insert the name and address of at least one facility under Subsection 19-6-602(1)(b), (c), or (d) that is near the retailer)."

(b) A person selling lead acid batteries wholesale shall post on the premises a clearly legible notice that is at least 8 1/2 inches by 11 inches in size and visible to customers that states: "It is illegal under state law to discard a motor vehicle battery or other lead acid battery. You must recycle your used battery. State law requires us to accept your used lead acid battery for recycling, including when you purchase a new lead acid battery."

(4) Lead acid batteries that a lead acid battery retailer is not required to accept under this section shall be disposed of only at facilities listed under Subsections 19-6-602(1)(b), (c), or (d).

19-6-604. Disposal by battery retailer.

(1) A lead acid battery retailer may not dispose of a used lead acid battery except by delivery to:

- (a) a lead acid battery wholesaler;
- (b) a lead acid battery manufacturer for delivery to a secondary lead smelter that meets state and federal permit requirements;
- (c) a collection or recycling facility; or
- (d) a secondary lead smelter that meets state and federal permit requirements.

(2) Removal or disposal of acid or other contents from lead acid batteries shall be done only in accordance with board rules.

(3) A lead acid battery retailer shall ensure removal of lead acid batteries received under Section 19-6-602 or 19-6-603 from the retail collection point.

19-6-605. Disposal by battery wholesaler.

(1) A person selling lead acid batteries at wholesale may not dispose of a used lead acid battery except by delivery to:

(a) a battery manufacturer for delivery to a secondary lead smelter that meets the state and federal permit requirements;

(b) a collection or recycling facility; or

(c) a secondary lead smelter that meets the state and federal permit requirements.

(2) The wholesale lead acid battery distributor shall ensure removal of batteries received under Section 19-6-602 or 19-6-604 from the wholesale collection point.

19-6-606. Enforcement.

(1) The board may authorize inspections under Section 19-6-104 of any place, building, or premise where lead acid batteries are sold to determine compliance with this part. The board may authorize inspections under this subsection only as funding is available within the department's current budget.

(2) Local health departments established under Title 26A may enforce the provisions of this part.

19-6-607. Penalty.

(1) A violation of this part is a class B misdemeanor.

(2) Each lead acid battery improperly disposed of or rejected by a lead acid battery wholesaler or retailer in violation of Section 19-6-603, 19-6-604, or 19-6-605 is a separate violation.